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April 30, 2015

By ECF

The Honorable Steven M. Gold
United States Chief Magistrate Judge
Eastern District of New York

**Re: *Vega v. AlphaCare of New York, Inc. et al*
14-cv-05787-MKB-SMG**

Dear Judge Gold:

We write on behalf of Defendants AlphaCare of New York, Inc. and Magellan Health Care, Inc. to address a number of outstanding matters before the Court.

Response to Plaintiff's Letter Requesting a Pre-Motion Conference:

On April 29, 2015, Plaintiff filed a letter requesting a pre-motion conference to file a motion for summary judgment. [Dkt. 15.] Pursuant to Local Rule 37.3(c), we have four days to file a response to Plaintiff's letter. We believe that any such motion is legally baseless, is premature in light of that fact that document discovery is ongoing and not a single deposition has been taken, and is simply a waste of time and resources for the parties and the Court. That said, we do intend to file a more complete response to the allegations in the letter.

I am scheduled to out of the office tomorrow, May 1, and on Monday, May 4. Thus, we kindly request an extension of time to file that response until Friday, May 8, 2015.

Letter Regarding Deposition Scheduling:

Following the April 10, 2015 status conference, Your Honor directed the parties to proceed with deposition scheduling and file a letter with the Court by April 23, 2015, providing an update on such efforts. [Dkt. 13.] Thereafter, Your Honor directed the parties to submit a letter setting forth deposition dates by May 1.

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There have since been changes to the deposition schedule. On April 24, Plaintiff's counsel indicated that he had to cancel Plaintiff's deposition (previously scheduled for May 14) because he was due to be out of the country. We accommodated this and requested alternative dates when Plaintiff would be available for a rescheduled deposition.

Just this morning, Plaintiff's counsel confirmed **June 16** for Plaintiff's deposition and **June 23** for Gloria Tutt-King's depositions.

Plaintiff's counsel also indicated that he would like to depose three current Defendant representatives—AlphaCare CEO Dan Parietti, Jessie French Danzi, and Lori Feguson. Now that we have a confirmed date for Plaintiff's deposition, we will confer with the witnesses and provide Plaintiff with dates on which they are available to be deposed.

We will update the Court when these depositions are scheduled.

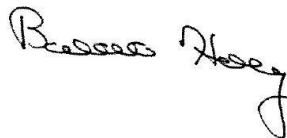
Production of Responsive Documents

As we indicated to the Court at the April 10, 2015 status conference, we are reviewing extensive electronic discovery in this matter. Your Honor directed Defendants to produce all responsive documents by May 4, given that Plaintiff's deposition was scheduled for May 14.

In light of the fact that Plaintiff's deposition has been pushed back to June 16, we request until May 18, 2015 to produce such documents. Plaintiff's counsel consents to such request and has only just this morning indicated his desired format for the production of such electronic documents, which we intend to honor.

We thank the Court for its attention to these matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara E. Hoey", with a stylized flourish at the end.

Barbara E. Hoey

cc: Walker G. Harman, Jr., Esq. (via ECF)